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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,240	03/25/2005	David Politzer	4590-382	2412
33308 7590 05/18/2007 LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 DIAGNOSTIC ROAD, SUITE 300 ALEXANDRIA, VA 22314			EXAMINER CHOWDHURY, AFROZA Y	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,240	Applicant(s) POLITZER ET AL.	
	Examiner Afroza Y. Chowdhury	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/01/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The cited FR 02-00142 reference was not considered by the Examiner since the translation was not provided.

Drawings

2. The drawings are objected to because in fig. 3, "**palm-rest 26**" should be "**palm-rest 16**". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: On page 3, [0017], "**trackball 11**" should be "**trackball 1**".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Tada et al. (US Patent 2002/0109674).

As to claim 1, Tada et al. discloses a device, comprising a trackball (fig. 1(1)), the trackball having a movable part (fig. 1(2), ball),

and a body (fig. 1(3), case) inside which the movable part (fig. 1(2), ball) can move,

the trackball (fig. 1(1)) delivering an item of information on the orientation of the movable part (fig. 1(2), ball) relative to the body (fig. 1(3), [0017]),

the device also comprising a cover (fig. 1(7), ball cover) inside which the trackball is attached,

the cover (fig. 1(7), ball cover) being separate from the body (fig. 1(3)) and comprising an opening (fig. 2, page 3, [0047]) allowing the movable part (fig. 1(2), ball) of the trackball (fig. 1(1)) to appear in order to operate the movable part (fig. 1(2), ball) from outside the cover (fig. 1(7), ball cover),

the trackball (fig. 1(1)) comprising maintenance means (page 3, [0047] – [0049]), characterized in that the device comprises means (fig. 1(7), ball cover) for gaining access (page 3, [0047]) to the means of maintaining the trackball (fig. 1(1)) from outside the cover (fig. 1(6), case cover),

in that the means for gaining access (page 3, [0047]) to the maintenance means comprises a window (fig. 1(7), ball cover) removably attached to the cover (fig. 1(6), case cover) so as to gain access (page 3, [0047]) to the maintenance means (page 3, [0047] – [0049]) by removing the window (fig. 1(7), ball cover) and without removing the trackball (fig. 1(1)) from the cover (fig. 1(6), case cover).

As to claim 2, Tada et al. teaches a device wherein the window (fig. 2(7)) has the shape of a disk with a hole (fig. 2(7)) therein and in that the hole forms the opening of the cover (page 3, [0047]).

As to claim 3, Tada et al. teaches a device wherein the hole (fig. 2(7)) has a shape matching the shape of the movable part (fig. 2(2), ball) so as to limit the

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penetration of particles inside the cover (fig. 1(7), ball cover).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US Patent 2002/0109674).

As to claims 4, 8, and 9, Tada et al. discloses a device comprising means of emptying out particles (page 3, [0052]) penetrating inside the cover (fig. 1(6), case cover). It is obvious that the particles are trapped between the window (fig. 1(7), ball cover) and the trackball (fig. 1(1)) and Tada et al. teaches emptying out those particles (page 3, [0052]).

As to claim 5, Tada et al. teaches a device wherein the emptying means (page 3, [0052]). It is obvious that the cavity (fig. 6(33)) is acting as a collector that is collecting all the particles.

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As to claims 6 and 10-13, Tada et al. teaches a device wherein the trackball (fig. 1(1)) comprises a ring attached (page 2, [0038], [0042]) to the body (fig. 1(3), case). It is obvious that the ring is preventing the movable part (fig. 1(2), ball) from losing contact with the body (fig. 1(3), case).

As to claim 7, Tada et al. teaches a device wherein the ring belongs to the maintenance means (page 3, [0048] – [0049], [0055]).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afroza Y. Chowdhury whose telephone number is 571-270-1543. The examiner can normally be reached on 7:30-5:00 EST, 5/4/9.

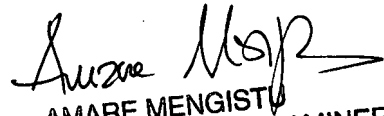
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

5/3/2007



AMARE MENGISTU
SUPERVISORY PATENT EXAMINER